**Summary for 23rd meeting (15 June 2016):**

The Compliance Panel (The Panel) met to re-determine specific aspects of its decision on Complaint 08-2015-08. The Panel determined the original complaint at its 20th meeting on 4 November 2015. The Complaint concerned advertising of Cowala infant formula on the Baby Show website under information about exhibitors involved in past Baby Shows. The Panel found GMP Dairy Limited, (manufacturer of Cowala infant formula) in breach of Articles 4.2, 4.3 and 5.1 of the Infant Nutrition Council Code of Practice for the Marketing of Infant Formula in New Zealand (INC Code of Practice). The information was explicitly about infant formula and did not cover the information required under Articles 4.2 and 4.3, which must be included in all information and educational materials provided by marketers of infant formula. The advertising was to the general public which is a breach of Article 5.1 of the INC Code of Practice. There was insufficient information for the Panel to determine a breach of Articles 5.5 and 8.2.

Following an appeal by GMP Dairy Limited and the Complainant, the adjudicator referred some aspects back to the Panel for redetermination. On redetermination the Panel upheld its original decision as described above.

In relation to this decision, the Panel notes that:

* a finding of a breach of the INC Code of Practice does not assess or relate to the quality of GMP Dairy Limited’s manufacturing process or the quality of the Cowala product.
* At the time the information was provided to the Baby Show (August 2014), GMP Dairy Limited, had owned Cowala Dairy and been a member of the Infant Nutrition Council for a short period of time.
* Since then, GMP Dairy Limited, submits that its understanding of the Code in New Zealand’s requirements has improved and GMP Dairy Limited, is now fully aware of, and committed to giving effect to, the INC Code of Practice.